

AMENDED IN ASSEMBLY JANUARY 4, 2012

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1148

Introduced by Assembly Member Brownley
(Principal coauthor: Assembly Member Fong)
(Coauthors: Assembly Members Ammiano, Beall, Hill, Huffman,
Monning, Portantino, Swanson, and Wieckowski)
(Coauthor: Senator Hancock)
(Coauthors: Senators Hancock and Pavley)

February 18, 2011

An act to amend Sections 84305.5, 84502, 84503, 84506, and 84507 of, and to add Sections 84502.1, 84502.5, 84502.6, and 84506.5 to, Section 84305.5 of, and to repeal and add Article 5 (commencing with Section 84501) to Chapter 4 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1148, as amended, Brownley. Political Reform Act of 1974: advertisements: disclosure.

The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer, and to contain other specified information in specified formatting. The act requires that each candidate and each ballot measure that has paid to appear in the slate mailer be designated by an asterisk.

This bill would instead require that a candidate or ballot measure appearing in the slate mailer be designated by an asterisk if the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer has received payment to include the candidate or ballot measure in the slate mailer.

The act also regulates advertisements, which are defined as any general or public advertisement that is authorized and paid for by a person or committee for the purpose supporting or opposing a candidate for elective office or a ballot measure or ballot measures. The act places certain disclosure requirements on advertisements for or against any ballot measure. The act places more specific disclosure requirements on broadcast or mass mailing advertisements that are paid for by independent expenditures that support or oppose a candidate or ballot measure.

~~This bill would, instead, place certain disclosure requirements on radio or television advertisements authorized by a candidate or the candidate's agents that expressly advocate the election or defeat of a clearly identified candidate or that solicit any contribution for the election or defeat of a clearly identified candidate.~~

~~The bill would also place certain disclosure requirements on radio or television advertisements that are made by, or at the behest of, a political party or political party committee.~~

~~Additionally, for broadcast, mass mailing, and online advertisements that support or oppose a candidate, the bill would require more specific disclosures if the advertisement is paid for by an independent expenditure. If an advertisement supports or opposes a ballot measure, the bill would impose the same disclosure requirements applicable to advertisements that support or oppose a candidate that are paid for by an independent expenditure, regardless of whether the advertisement supporting or opposing the ballot measure is paid for by an independent expenditure. The bill would specify that the above-described disclosure requirements that are applicable to mass mailing advertisements do not apply to slate mailers.~~

This bill would repeal and recast those provisions to impose, instead, specified disclosure requirements on radio, television, and video advertisements, and certain mass mailing and print advertisements that support or oppose a candidate or ballot measure or solicit contributions in support of those purposes. The bill would require these advertisements to disclose, in a prescribed format, the 3 largest identifiable contributors, as defined, of the committee that paid for the

advertisement. The bill would also require that a committee establish and maintain a committee disclosure Internet Web site, as defined, which discloses the top 5 identifiable contributors and provides a link to the Internet Web site maintained by the Secretary of State for campaign finance disclosures of the committee. The bill would require these advertisements to identify the address for the committee disclosure Internet Web site.

Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84305.5 of the Government Code is
2 amended to read:
3 84305.5. (a) A slate mailer organization or committee primarily
4 formed to support or oppose one or more ballot measures shall not
5 send a slate mailer unless the slate mailer complies with all of the
6 following:
7 (1) The name, street address, and city of the slate mailer
8 organization or committee primarily formed to support or oppose
9 one or more ballot measures are shown on the outside of each piece
10 of slate mail and on at least one of the inserts included with each
11 piece of slate mail in no less than 8-point roman type, which shall
12 be in a color or print that contrasts with the background so as to
13 be easily legible. A post office box may be stated in lieu of a street

1 address if the street address of the slate mailer organization or the
2 committee primarily formed to support or oppose one or more
3 ballot measures is a matter of public record with the Secretary of
4 State's Political Reform Division.

5 (2) At the top or bottom of the front side or surface of at least
6 one insert, or at the top or bottom of one side or surface of a
7 postcard or other self-mailer, there is a notice in at least 8-point
8 roman boldface type, which shall be in a color or print that
9 contrasts with the background so as to be easily legible, and in a
10 printed or drawn box and set apart from any other printed matter.
11 The notice shall consist of the following statement:

12 -
13 -
14 -
15 -

16
17
18 NOTICE TO VOTERS

19
20 THIS DOCUMENT WAS PREPARED BY (name of slate
21 mailer organization or committee primarily formed to support
22 or oppose one or more ballot measures), NOT AN OFFICIAL
23 POLITICAL PARTY ORGANIZATION. Appearance in this
24 mailer does not necessarily imply endorsement of others
25 appearing in this mailer, nor does it imply endorsement of, or
26 opposition to, any issues set forth in this mailer. (Name of slate mailer
27 organization or committee primarily formed to support or oppose one or
28 more ballot measures) has been paid to include each candidate and ballot
29 measure that is designated by an *.
30

31 (3) (A) Each candidate and each ballot measure for which the
32 slate mailer organization or committee primarily formed to support
33 or oppose one or more ballot measures has received payment to
34 include the candidate or ballot measure in the slate mailer is
35 designated by an *. A candidate or ballot measure for which the
36 slate mailer organization or committee primarily formed to support
37 or oppose one or more ballot measures has not received payment
38 to include the candidate or ballot measure in the slate mailer shall
39 not be designated by an *.

(B) The * required by this paragraph shall be of the same type size, type style, color or contrast, and legibility as is used for the name of the candidate, or the ballot measure name or number and position advocated, to which the * designation applies, except that in no case shall the * be required to be larger than 10-point boldface type. The designation shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure, where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure.

(4) The name of a candidate appearing in the slate mailer who is a member of a political party differing from the political party that the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type, which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(b) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, as required by paragraph (1) of subdivision (a), and the notice required by paragraph (2) of subdivision (a) may appear on the same side or surface of an insert in the slate mailer.

~~SEC. 2. Section 84502 of the Government Code is amended to read:~~

~~84502. "Cumulative contributions" means the cumulative amount of contributions received by a committee beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose a candidate for elective office or a ballot measure or ballot measures and ending within seven days of the time the advertisement is sent to the printer or broadcast station.~~

~~SEC. 3. Section 84502.1 is added to the Government Code, to read:~~

~~84502.1. For purposes of this section, the following terms have the following meanings:~~

1 ~~(a) “Committee disclosure Web site” means either of the~~
2 ~~following:~~

3 ~~(1) An Internet Web site for a committee that follows the~~
4 ~~disclosure requirements in subdivision (e) of Section 84506.~~

5 ~~(2) If the Internet Web site described in paragraph (1) does not~~
6 ~~exist, the Secretary of State’s Internet Web site.~~

7 ~~(b) “Disclosure name” means the name employed in common~~
8 ~~usage or parlance to identify a person that is not an individual.~~

9 ~~(1) For persons for which an acronym is regularly used, the~~
10 ~~acronym shall be used.~~

11 ~~(2) Suffixes identifying how the person, such as a corporation~~
12 ~~or limited liability company, is organized shall not be used in the~~
13 ~~disclosure name unless removing the suffix would result in~~
14 ~~confusion with another person.~~

15 ~~(3) For committees that are sponsored by a person that is not~~
16 ~~an individual, the disclosure name of the sponsoring person shall~~
17 ~~be used instead of the disclosure name of the committee.~~

18 ~~(c) “Identifiable contribution” means the amount of the~~
19 ~~cumulative contributions made by an identifiable funder to support~~
20 ~~or oppose a candidate or ballot measure being voted on in an~~
21 ~~election.~~

22 ~~(d) “Identifiable funder” means either of the following:~~

23 ~~(1) All persons making cumulative contributions of at least fifty~~
24 ~~thousand dollars (\$50,000).~~

25 ~~(2) A committee receiving cumulative contributions from~~
26 ~~persons making cumulative contributions to the committee of less~~
27 ~~than fifty thousand dollars (\$50,000) if the total of all of the~~
28 ~~cumulative contributions made to the committee by persons making~~
29 ~~cumulative contributions of less than fifty thousand dollars~~
30 ~~(\$50,000) totals at least fifty thousand dollars (\$50,000).~~

31 ~~(e) “Short disclosure name” means the shortest name employed~~
32 ~~in common usage or parlance, or the acronym, that identifies a~~
33 ~~person that is not an individual.~~

34 ~~(f) “Significant funder” means the identifiable funder having~~
35 ~~the largest identifiable contribution of the top five identifiable~~
36 ~~funders.~~

37 ~~(g) “Stand By Your Ad Statement” means a statement described~~
38 ~~in Section 84506.5.~~

39 ~~(h) (1) “Top five identifiable funders” means the five~~
40 ~~identifiable funders with the largest identifiable contributions;~~

1 sorted in decreasing order of size of the identifiable contributions.
2 In the event that multiple identifiable funders have identical
3 identifiable contributions, they shall be selected according to
4 chronological sequence based upon when the first contribution
5 was made. In the event that there are fewer than five identifiable
6 funders, “top five identifiable funders” means all identifiable
7 funders.

8 (2) All identifiable funders that are employees of a person that
9 is not an individual shall be treated as if they were the person if
10 the person is also an identifiable funder, with all their identifiable
11 contributions being treated as contributions by the person for
12 purposes of calculating the person’s identifiable contributions.

13 (i) “Top five identifiable funder text” means text listing the top
14 five identifiable funders. Except for the name of the last identifiable
15 funder in the top five identifiable funders, the name of each
16 identifiable funder in the top five identifiable funders shall be
17 followed by two spaces that shall be immediately followed by “~”
18 and then another two spaces. For purposes of this subdivision,
19 “name” means the name of the individual if the identifiable funder
20 is an individual or the disclosure name of the person if the
21 identifiable funder is not an individual. Unless otherwise specified,
22 the top five identifiable funder text shall always be shown in
23 standard sentence capitalization.

24 SEC. 4. Section 84502.5 is added to the Government Code, to
25 read:

26 84502.5. (a) A radio advertisement that expressly advocates
27 the election or defeat of a clearly identified candidate, or solicits
28 contributions in support of that purpose, shall, if the advertisement
29 is authorized by the candidate or an agent of the candidate, include
30 an audio statement in which the candidate identifies himself or
31 herself and states that the candidate has approved the message.

32 (b) (1) A television advertisement that expressly advocates the
33 election or defeat of a clearly identified candidate, or solicits
34 contributions in support of that purpose, shall, if the advertisement
35 is authorized by the candidate or an agent of the candidate, include
36 a statement in which the candidate identifies himself or herself
37 and states that the candidate has approved the message.

38 (2) The statement described in paragraph (1) shall be conveyed
39 by an unobscured, full-screen video of the candidate and only the
40 candidate making the statement or by a clearly identifiable

~~1 photographic or similar image of the candidate and only the
2 candidate that is accompanied by the candidate reading the
3 statement in a voice-over. The statement shall also appear in
4 writing at the end of the advertisement in a clearly readable manner
5 with a reasonable degree of color contrast between the background
6 and the text of the written statement.~~

~~7 SEC. 5.— Section 84502.6 is added to the Government Code, to
8 read:~~

~~9 84502.6. (a) Notwithstanding Section 84503, a radio or
10 television advertisement that is made by, or at the behest of, a
11 political party or political party committee shall include the
12 following audio statement read in a clearly spoken manner by a
13 representative of the political party or political party committee:
14 “(Name of the political party or political party committee) is
15 responsible for the content of this advertisement.”~~

~~16 (b) For television advertisements, the statement described in
17 subdivision (a) shall be accompanied by an unobscured, full-screen
18 video of a representative of the political party or political party
19 committee and only that representative making the statement, or
20 by a clearly identifiable photographic or similar image of the
21 representative and only that representative that is accompanied by
22 the representative reading the statement described in subdivision
23 (a) in a voice-over. The statement shall also appear in writing on
24 the screen in a clearly readable manner with a reasonable degree
25 of color contrast between the background and the text of written
26 the statement.~~

~~27 (c) For purposes of this section, if a required statement includes
28 text in parentheses, the text in the parentheses is meant to be a
29 description of what is required to be included in the statement.~~

~~30 SEC. 6.— Section 84503 of the Government Code is amended
31 to read:~~

~~32 84503. An advertisement for or against a ballot measure shall
33 include a disclosure statement in a form that complies with Section
34 84506.~~

~~35 SEC. 7.— Section 84506 of the Government Code is amended
36 to read:~~

~~37 84506. (a) A broadcast, mass mailing, or online advertisement
38 supporting or opposing a candidate or ballot measure, that is paid
39 for by an independent expenditure shall include a disclosure
40 statement as prescribed by this section.~~

~~(b) A television or video advertisement shall include all of the following:~~

~~(1) A Stand By Your Ad Statement.~~

~~(2) A disclosure area with a white background that fills the bottom 25 percent of the screen concurrently with the reading of the Stand By Your Ad Statement and which includes both of the following:~~

~~(A) Identification of the applicable individual reading the Stand By Your Ad Statement in a black font equivalent to Arial Narrow that is at least 4 percent of the height of the screen, in standard sentence case capitalization, using the following text:~~

~~(i) If the advertisement is paid for by an individual or if the significant funder of the advertisement is an individual, the identification in the disclosure area shall read: “(Name of the applicable individual) of (name of the state in which the applicable individual resides).”~~

~~(ii) If the advertisement is paid for by a person that is not an individual or if the significant funder is a person that is not an individual, the identification in the disclosure area shall read: “(Name of the applicable individual), the (title of the applicable individual) of (disclosure name of the person paying for the advertisement or the disclosure name of the person who is the significant funder, as applicable).”~~

~~(B) (i) Immediately below the identification described in subparagraph (A), a disclosure that starts, in italics, with “Top Funders:” and is followed, in nonitalics, by top five identifiable funder text.~~

~~(ii) Immediately following the text described in clause (i), a statement that starts, in italics, with “Details at:” and is followed, in italics, by the committee disclosure Web site.~~

~~(iii) The text described in clauses (i) and (ii) shall be in the same size black font equivalent to Arial Narrow and at least 3 percent of the height of the screen in standard case capitalization.~~

~~(3) The text described in paragraph (2) shall be vertically centered in the disclosure area.~~

~~(4) If the advertisement is paid for in full by a person that is not an individual, or a significant funder that is a person that is not an individual, and that person has a logo, the logo shall be shown in the bottom right of the disclosure area. The height and width of~~

1 the logo shall be at least 15 percent of the height and width of the
2 screen.

3 (e) ~~A radio advertisement shall include all of the following:~~

4 (1) ~~A Stand By Your Ad Statement.~~

5 (2) ~~If the radio advertisement is longer than 15 seconds and~~
6 ~~there are at least two identifiable funders in the top five identifiable~~
7 ~~funders, the Stand By Your Ad Statement shall be immediately~~
8 ~~followed by a statement read in a clearly spoken manner as follows:~~
9 ~~“Other major funding by (disclosure name of the identifiable funder~~
10 ~~having the second largest identifiable contributions of the top five~~
11 ~~identifiable funders).”~~

12 (3) ~~The statements described in paragraphs (1) and (2) shall be~~
13 ~~immediately followed by a statement read in a clearly spoken~~
14 ~~manner as follows: “Details at (committee disclosure Web site).”~~

15 (d) ~~Except for slate mailers, any mass mailings or print~~
16 ~~advertisement paid for by a committee or by any person spending~~
17 ~~over one thousand dollars (\$1,000) cumulatively on mass mailing~~
18 ~~or print advertising during an election shall include all of the~~
19 ~~following:~~

20 (1) ~~A disclosure area that is the size of at least one-eighth the~~
21 ~~surface area of one page of the mass mailing or print advertisement.~~
22 ~~If the mass mailing or print advertisement includes pages of~~
23 ~~different sizes, the disclosure area shall be on the largest page. The~~
24 ~~disclosure area shall be set apart from the rest of the page by a line~~
25 ~~that frames the disclosure area in the shape of a square or rectangle~~
26 ~~and is darker than the background of the disclosure area. The~~
27 ~~disclosure area shall have a solid background so that the color~~
28 ~~contrast of the text in the disclosure area against the background~~
29 ~~of the disclosure area has at least as much color contrast as the~~
30 ~~most color contrasting text in the mass mailing or print~~
31 ~~advertisement. The disclosure area shall include all of the~~
32 ~~following:~~

33 (A) ~~A title that reads “Notice to Voters About Funders of This~~
34 ~~Ad.” The color of the text of the title must color contrast with the~~
35 ~~color of the background in a font equivalent to Arial Narrow in a~~
36 ~~point size no smaller than 14 point for pages smaller than 8.5 inches~~
37 ~~by 11 inches and no smaller than 18 point for pages that are equal~~
38 ~~to, or larger than, 8.5 inches by 11 inches.~~

~~(B) (i) Immediately below the title described in subparagraph (A), a disclosure that starts, in italics, with “Top Funders:” and is followed, in nonitalics, by the top five identifiable funder text.~~

~~(ii) Immediately following the text described in clause (i), a statement that starts, in italics, with “Details at:” and is followed, in italics, by the committee disclosure Web site.~~

~~(iii) The text described in clauses (i) and (ii) shall be in the same size black font equivalent to Arial Narrow and at least 3 percent of the height of the page in standard case capitalization.~~

~~(2) If the mass mailing or print advertisement is paid for in full by a person that is not an individual, or a significant funder that is a person that is not an individual, and that person has a logo, the logo shall be shown in the bottom right of the disclosure area. The height and width of the logo shall be at least 10 percent of the height and width of the page.~~

~~(3) If there is space below the bottom of the text required to be in the disclosure area pursuant to paragraph (1), additional text may be added with at least one blank line separating the additional text from the required text. The additional text shall be in a font at least one point smaller than the required text. The color contrast between the additional text and the background of the disclosure area shall not be more than the color contrast between the required text and the background of the disclosure area.~~

~~(e) A committee disclosure Web site that is not the Secretary of State’s Internet Web site shall include a disclosure area of at least 250 pixels wide by 200 pixels tall, visible on the home page of the committee disclosure Web site. The disclosure area shall have a white background and a border, and shall include all of the following:~~

~~(1) A title that reads “Funders of This Web Site.” The text of the title shall be black and in a font equivalent to Arial bold in a point size no smaller than 9 point.~~

~~(2) Immediately below the title described in paragraph (1), a disclosure that starts, in italics, with “Top Funders:” and is followed, in nonitalics, by top five identifiable funder text. This disclosure shall be in black and in a font equivalent to Arial in a point size no smaller than 8 point.~~

~~(3) At least one blank line immediately following the disclosure described in paragraph (2).~~

~~(4) Immediately following the blank line or lines required by paragraph (3), a link to the Internet Web site maintained by the Secretary of State that contains disclosures made by the committee pursuant to this title for the current election cycle. The link shall be labeled “Full funding info at Secretary of State’s Web site.” The link shall be a standard blue underline link in a font equivalent to Arial in a point size no smaller than 8 point.~~

~~(5) If there is space below the bottom of the text required to be in the disclosure area pursuant to paragraphs (1) to (4), inclusive, additional text may be added with at least one blank line and a black horizontal line separating the additional text from the link required under paragraph (4). The additional text shall be black and in a font that is no smaller than 8 point.~~

~~(f) Any online advertisement shall comply with all of the following:~~

~~(1) All video online advertisements paid for, or created by, a committee or any person spending over one thousand dollars (\$1,000) cumulatively on online advertising shall comply with the disclosure requirements applicable to television or video advertisements pursuant to subdivision (a).~~

~~(2) The commission shall promulgate rules for other online advertising formats that require the disclosure in those online advertisement formats, to the extent feasible, of the same type of information required for other types of advertisements pursuant to this section.~~

~~(g) If an acronym is used to identify any committee names required by this section, the names of any sponsoring organization of the committee shall be printed on print advertisements or spoken in broadcast advertisements.~~

~~(h) For purposes of this section, if a required statement includes text in parentheses, the text in the parentheses is meant to be a description of what is required to be included in the statement.~~

~~SEC. 8. Section 84506.5 is added to the Government Code, to read:~~

~~84506.5. (a) A Stand By Your Ad Statement in the form specified in subdivisions (c), (d), (e), and (f) is required in an advertisement only if required by Section 84506. A Stand By Your Ad Statement is not required if, on the basis of criteria established in regulations promulgated by the Commission, the advertisement is of such short duration that including the statement in the~~

1 advertisement would constitute a hardship to the person paying
2 for the advertisement by requiring a disproportionate amount of
3 the advertisement's content to consist of the statement.

4 (b) For purposes of this section, "applicable individual" means
5 the following:

6 (1) If an advertisement is paid for in full by an individual or if
7 the significant funder is an individual, "applicable individual"
8 means the individual who paid for the advertisement or the
9 significant funder, respectively.

10 (2) If an advertisement is paid for in full by a corporation or if
11 the significant funder is a corporation, the chief executive officer
12 of the corporation or, if the corporation does not have a chief
13 executive officer, "applicable individual" means the
14 highest-ranking officer of the corporation.

15 (3) If an advertisement is paid for in full by a labor organization
16 or if the significant funder is a labor organization, "applicable
17 individual" means the highest-ranking officer of the labor
18 organization.

19 (4) If the advertisement is paid for by a person that is not an
20 individual, corporation, or labor organization, or if the significant
21 funder is a person that is not an individual, corporation, or labor
22 organization, "applicable individual" means the highest-ranking
23 official of that person.

24 (c) If an advertisement is paid for in full by an individual, the
25 Stand By Your Ad Statement shall read: "I am (name of applicable
26 individual) of (name of state in which the applicable individual
27 resides). I paid for this message and approve it."

28 (d) (1) If an advertisement is paid for in full by a person that
29 is not an individual, the Stand By Your Ad Statement shall read:
30 "I am (name of applicable individual), the (title of the applicable
31 individual) of (disclosure name of the person paying for the
32 advertisement), located in (name of the state that is the location
33 of the principal office of the person paying for the advertisement).
34 (Short disclosure name of the person paying for the advertisement)
35 paid for this message and approves it."

36 (2) The statement described in paragraph (1) does not need to
37 include "located in (name of the state that is the location of the
38 principal office of the person paying for the advertisement)" if the
39 name of the state is included in the name of the person.

1 ~~(e) If an advertisement is not paid for in full by an individual,~~
2 ~~but the significant funder is an individual, the Stand By Your Ad~~
3 ~~Statement shall be “I am (name of applicable individual) of (name~~
4 ~~of state in which the applicable individual resides). I helped pay~~
5 ~~for this message and I approve it.”~~

6 ~~(f) (1) If an advertisement is not paid for in full by an individual~~
7 ~~and the significant funder is a person that is not an individual, the~~
8 ~~Stand By Your Ad Statement shall be “I am (name of applicable~~
9 ~~individual), the (title of the applicable individual) of (disclosure~~
10 ~~name of the person that is the significant funder), located in (name~~
11 ~~of the state that is the location of the principal office of the person~~
12 ~~that is the significant funder). (Short disclosure name of the person~~
13 ~~that is the significant funder) helped to pay for this message and~~
14 ~~approves it.”~~

15 ~~(2) The statement described in paragraph (1) does not need to~~
16 ~~include “, located in (name of the state that is the location of the~~
17 ~~principal office of the person that is the significant funder)” if the~~
18 ~~name of the state is included in the name of the person.~~

19 ~~(g) If an acronym is used to identify any committee names~~
20 ~~required by this section, the names of any sponsoring organization~~
21 ~~of the committee shall be printed on print advertisements or spoken~~
22 ~~in broadcast advertisements.~~

23 ~~(h) (1) If a Stand By Your Ad Statement is transmitted through~~
24 ~~radio, the statement shall be made by the applicable individual in~~
25 ~~a clearly spoken manner in a pitch and tone substantially the same~~
26 ~~as the non-Stand By Your Ad Statement portion of the~~
27 ~~advertisement.~~

28 ~~(2) If a Stand By Your Ad Statement is transmitted through~~
29 ~~television or video, the statement shall be conveyed by an~~
30 ~~unobscured view of either of the following that takes up the full~~
31 ~~screen, except for the bottom 25 percent of the screen that contains~~
32 ~~the disclosure area described in paragraph (2) of subdivision (b)~~
33 ~~of Section 84506:~~

34 ~~(A) A video of the applicable individual that is only of the~~
35 ~~applicable individual reading the statement.~~

36 ~~(B) A clearly identifiable photograph or similar image that is~~
37 ~~only of the applicable individual, accompanied by the applicable~~
38 ~~individual making the statement in voice-over.~~

1 (i) For purposes of this section, if a required statement includes
2 text in parentheses, the text in the parentheses is meant to be a
3 description of what is required to be included in the statement.

4 SEC. 9. Section 84507 of the Government Code is amended
5 to read:

6 84507. Unless Sections 84502.5, 84502.6, 84506, and 84506.5
7 provide otherwise, any disclosure statement required by this article
8 shall be printed clearly and legibly in no less than 10-point type
9 and in a conspicuous manner as defined by the Commission or, if
10 the communication is broadcast, the information shall be spoken
11 so as to be clearly audible and understood by the intended public
12 and otherwise appropriately conveyed for the hearing impaired.

13 SEC. 2. Article 5 (commencing with Section 84501) of Chapter
14 4 of Title 9 of the Government Code is repealed.

15 SEC. 3. Article 5 (commencing with Section 84501) is added
16 to Chapter 4 of Title 9 of the Government Code, to read:

17
18 *Article 5. Disclosure in Advertisements*
19

20 84501. For purposes of this article the following terms have
21 the following meanings:

22 (a) (1) "Advertisement" means any general or public
23 advertisement which is authorized and paid for by a person or
24 committee for the purpose of supporting or opposing a candidate
25 for elective office or a ballot measure or ballot measures.

26 (2) "Advertisement" does not include a communication from
27 an organization other than a political party to its members, a
28 campaign button smaller than 10 inches in diameter, a bumper
29 sticker smaller than 60 square inches, or other advertisement as
30 determined by regulations of the Commission.

31 (b) "Committee disclosure Internet Web site" means the Internet
32 Web site for a committee identifying the top identifiable
33 contributors to that committee, as described in Section 84506.

34 (c) "Cumulative contributions" means the cumulative amount
35 of contributions received by a committee during a period of time
36 to be determined by the Commission by regulation, but in no event
37 less than the period commencing 18 months prior to the date the
38 committee made its first expenditure to qualify, support, or oppose
39 a candidate for elective office or a ballot measure or ballot

1 *measures and ending seven days after the advertisement is sent to*
2 *the printer or broadcast station or uploaded to the Internet.*

3 *(d) “Identifiable contributor” means a person or committee*
4 *that has made cumulative contributions of at least ten thousand*
5 *dollars (\$10,000) to a committee.*

6 *84502. The Commission shall adopt regulations that establish*
7 *the span of time used to calculate cumulative contributions,*
8 *consistent with the requirements of subdivision (c) of Section*
9 *84501. A regulation adopted pursuant to this section shall be*
10 *adopted as an emergency regulation, pursuant to Section 11346.1.*

11 *84503. (a) A radio advertisement that supports or opposes a*
12 *candidate or ballot measure or solicits contributions in support*
13 *of that purpose shall, if the advertisement is authorized by a*
14 *candidate or an agent of the candidate, include an audio statement*
15 *in which the candidate identifies himself or herself and states that*
16 *the candidate has approved the message. If the candidate is an*
17 *identifiable contributor to the committee that paid for the*
18 *advertisement, the candidate shall also state that his or her*
19 *contributions paid for the advertisement in part.*

20 *(b) A radio advertisement that supports or opposes a candidate*
21 *or ballot measure or solicits contributions in support of that*
22 *purpose, shall include, at the end of the advertisement, a disclosure*
23 *read in a clearly spoken manner in a pitch and tone substantially*
24 *similar to the rest of the advertisement that reads as follows: “Top*
25 *three funders are [state names in descending order of identifiable*
26 *contributors who made the three largest cumulative contributions*
27 *to the committee that paid for the advertisement]. Full funding*
28 *details at [insert Internet Web site address of the committee*
29 *disclosure Internet Web site].”*

30 *(c) If there are fewer than three identifiable contributors, the*
31 *disclosure shall be adjusted accordingly to disclose the qualifying*
32 *identifiable contributors, if any.*

33 *84504. (a) A television or video advertisement that supports*
34 *or opposes a candidate or ballot measure or solicits contributions*
35 *in support of that purpose shall, if the advertisement is authorized*
36 *by a candidate or an agent of the candidate, include a statement*
37 *in which the candidate identifies himself or herself and states that*
38 *the candidate has approved the message. If the candidate is an*
39 *identifiable contributor to the committee that paid for the*

1 advertisement, the candidate shall also state that his or her
2 contributions paid for the advertisement in part.

3 (b) A television or video advertisement that supports or opposes
4 a candidate or ballot measure or solicits contributions in support
5 of that purpose shall include all of the following at the end of the
6 advertisement:

7 (1) A full-screen without audio on a black background for a
8 minimum of three seconds that is dedicated to the disclosure
9 described in this subdivision.

10 (2) The text "Top Funders for This Ad" located at the top of
11 the television or video display screen and centered horizontally.
12 The text shall be white in color and the font size shall be at least
13 5 percent of the height of the television or video display screen.

14 (3) Immediately below the text described in paragraph (2), the
15 logos, if any, as they appear on the Internet Web site homepage
16 of the identifiable contributor, for the identifiable contributors
17 who made the three largest cumulative contributions to the
18 committee that paid for the advertisement. Each logo shall occupy
19 at least 15 percent of the width or height of the television or video
20 display screen and the logos shall be displayed from left to right
21 in descending order beginning with the largest identifiable
22 contributor.

23 (4) Immediately below the logos, if any, described in paragraph
24 (3), or beneath the text described in paragraph (2) if no identifiable
25 contributor has a logo, the identifiable contributors who have
26 made the three largest cumulative contributions to the committee
27 that paid for the advertisement. The three identifiable contributors
28 shall each be disclosed on a separate vertical line, in descending
29 order, beginning with the identifiable contributor who made the
30 largest cumulative contribution on the first line. The name of each
31 of the three identifiable contributors shall be centered horizontally.
32 The text shall be white in color and the font size shall be at least
33 5 percent the height of the television or video display screen.

34 (5) The text "Full Funding Details At [insert Internet Web site
35 address of the committee disclosure Internet Web site]." The text
36 shall be white in color and the font size shall be equivalent to 4
37 percent of the height of the television or video display screen. The
38 text shall be located in a position that is vertically 4 percent above
39 the bottom of the television or video display screen.

1 (6) *If there are fewer than three identifiable contributors, the*
2 *disclosure shall be adjusted accordingly to disclose only those*
3 *that qualify as identifiable contributors, if any.*

4 84505. *Except for slate mailers, any mass mailing or print*
5 *advertisement that supports or opposes a candidate or ballot*
6 *measure or solicits contributions in support of that purpose shall*
7 *include a disclosure area on the largest page of the mass mailing*
8 *or print advertisement that meets all of the following criteria:*

9 (a) *The disclosure area shall be set apart from the rest of the*
10 *page on which it is located by a line framing the disclosure area*
11 *in the shape of a square or rectangle and the line shall be a color*
12 *that is darker than the background color of the remainder of the*
13 *disclosure area. The disclosure area within the border line shall*
14 *have a solid background color that establishes a contrast to the*
15 *color of the disclosure text that is equivalent to or greater than*
16 *the text and background color contrast in the other areas of the*
17 *mass mailing or print advertisement.*

18 (b) *The text “Top Funders of This Ad” shall be located at the*
19 *top of the disclosure area and centered horizontally on the page.*
20 *The text shall be in a font size of at least 14-point for pages smaller*
21 *than 8.5 inches by 11 inches and at least 16-point for pages that*
22 *are equal to, or larger than, 8.5 inches by 11 inches.*

23 (c) *Immediately below the text described in subdivision (b) shall*
24 *be printed the logos, if any, as they appear on the Internet Web*
25 *site homepage of the identifiable contributor; for the identifiable*
26 *contributors who made the three largest cumulative contributions*
27 *to the committee. Each logo shall occupy at least 8 percent of the*
28 *width or height of the page on which the disclosure area is located*
29 *and the logos shall be displayed from left to right in descending*
30 *order beginning with the largest identifiable contributor.*

31 (d) *Immediately below the logos, if any, described in subdivision*
32 *(c), or beneath the text described in subdivision (b) if no*
33 *identifiable contributor has a logo, shall be identified by name the*
34 *identifiable contributors who have made the three largest*
35 *cumulative contributions to the committee that paid for the mass*
36 *mailing or print advertisement. The three identifiable contributors*
37 *shall each be disclosed on a separate vertical line, in descending*
38 *order, beginning with the identifiable contributor who made the*
39 *largest cumulative contribution on the first line. The name of each*
40 *of the three identifiable contributors shall be centered horizontally.*

1 *The text shall identify the identifiable contributor in a font size of*
2 *at least 10-point for pages smaller than 8.5 inches by 11 inches*
3 *and at least 12-point for pages that are equal to, or larger than,*
4 *8.5 inches by 11 inches.*

5 *(e) The text “Full Funding Details At [insert Internet Web site*
6 *address of the committee disclosure Internet Web site].” The text*
7 *shall be located at the bottom of the disclosure area and shall be*
8 *in 10-point font size for pages smaller than 8.5 inches by 11 inches*
9 *and at least 12-point font size for pages that are equal to, or larger*
10 *than, 8.5 inches by 11 inches.*

11 *(f) If there are fewer than three identifiable contributors, the*
12 *disclosure shall be adjusted accordingly to disclose the qualifying*
13 *identifiable contributors, if any.*

14 *84506. A committee that pays for an advertisement described*
15 *in this article shall establish and maintain a committee disclosure*
16 *Internet Web site. If the committee has an Internet Web site home*
17 *page, that Internet Web site may also serve as the committee*
18 *disclosure Internet Web site. The committee disclosure Internet*
19 *Web site shall dedicate a full page, or part of a page, of the Internet*
20 *Web site for making a contribution disclosure statement that*
21 *includes all of the following:*

22 *(a) The disclosure statement area shall be at least 250 pixels*
23 *wide. The disclosure area shall have a white background and a*
24 *border that is dark in color.*

25 *(b) A title that reads “Top Funders of This Committee.” The*
26 *text shall be black in color and shall be at least 10-point font size.*

27 *(c) Immediately below the text described in subdivision (b), a*
28 *list of the identifiable contributors who have made the five largest*
29 *cumulative contributions to the committee. Each of the five*
30 *identifiable contributors shall be disclosed on a separate vertical*
31 *line, in descending order, beginning with the identifiable*
32 *contributor who made the largest cumulative contribution on the*
33 *first line. The text shall be black in color and shall be at least*
34 *9-point font size.*

35 *(d) Immediately below the text described in subdivision (c), the*
36 *logos, if any, as they appear on the Internet Web site homepage*
37 *of the identifiable contributor, for the identifiable contributors*
38 *who made the five largest cumulative contributions to the*
39 *committee. Each logo shall occupy at least 75 horizontal or vertical*

1 pixels and shall be displayed from left to right in descending order
2 beginning with the largest identifiable contributor.

3 (e) A link to the Internet Web site maintained by the Secretary
4 of State that contains campaign finance disclosures made by the
5 committee pursuant to this title for the current election cycle. The
6 link shall be labeled "Full funding info at Secretary of State's
7 Internet Web site." The link shall be a standard hyperlink that is
8 displayed as blue underline text in Arial equivalent font in at least
9 9-point font size.

10 (f) If there are fewer than five identifiable contributors, the
11 disclosure shall be adjusted accordingly to disclose the qualifying
12 identifiable contributors, if any.

13 84507. For purposes of any disclosure required under this
14 article, the following shall also apply in the event that an
15 identifiable contributor is a person who is an individual:

16 (a) If the committee receiving the contribution is supporting or
17 opposing a candidate, then the disclosure shall include the
18 occupation and employer of the identifiable contributor in addition
19 to the contributor's name.

20 (b) If the committee receiving the contribution is supporting or
21 opposing a ballot measure, and the passage or defeat of the ballot
22 measure directly benefits or harms the employer of the identifiable
23 contributor, then the disclosure shall include the occupation and
24 employer of the identifiable contributor in addition to the
25 contributor's name. However, if an employer of an identifiable
26 contributor is also an identifiable contributor of that committee,
27 then the contributions of the employees shall, instead, be deemed
28 to be contributions by the employer for purposes of determining
29 the total cumulative contribution made by the employer in order
30 to determine which identifiable contributors shall be disclosed on
31 an advertisement pursuant to this article.

32 (c) If the committee receiving the contribution is supporting or
33 opposing a ballot measure, and the passage or defeat of the ballot
34 measure does not directly benefit or harm the employer of the
35 identifiable contributor, then the disclosure shall include only the
36 name of the identifiable contributor.

37 84508. Disclosures made pursuant to this article shall be
38 sufficient to identify the identifiable contributor but need not
39 include legal terms as "incorporated," "committee," "political
40 action committee," or "company," or their abbreviations. Nothing

1 *in this section shall prevent a contributor from being disclosed as*
2 *a name used in common usage or parlance, including, but not*
3 *limited to, an abbreviation or acronym.*

4 ~~SEC. 10.~~

5 *SEC. 4.* No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 ~~SEC. 11.~~

15 *SEC. 5.* The Legislature finds and declares that this bill furthers
16 the purposes of the Political Reform Act of 1974 within the
17 meaning of subdivision (a) of Section 81012 of the Government
18 Code.